

REMARKS/ARGUMENTS

This is in response to the Office Action of November 1, 2007. In that Office Action, Claims 1, 4-12, and 14-27 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,746,215 to Manjarrez.

Claims 13 and 28 were rejected under 35 USC 103(a) as being obvious over Manjarrez as modified by U.S. Patent No. 6,908,455 to Hajianpour.

By this Amendment, independent Claim 1 has been amended and dependent Claim 4 has been canceled. Amended Claim 1 is directed to a needle protector for use with a needle assembly that includes a flexible plastic tube attached to a needle hub and a needle mounted on the hub. The housing is defined by at least two side walls where at least one side wall has an inside surface. The housing includes an open distal end and an open proximal end. The open proximal end has a multiple profile window adapted to selectively slidably receive and retain the tubing. At least one of the side walls includes a retaining member located a distance from the distal end, extending from the surface of the wall for retaining the hub of the needle assembly. Further, at least one of the side walls has at least one guiding ledge that extends inwardly into the interior chamber from the inside face of that side wall.

Regarding Claim 1, it is the position of the Patent Office that Manjarrez discloses "...side walls having a retaining member (72) and guiding ledges (edges of 54) ..." Manjarrez identifies reference number 72 as an "end ramp section" (column 3, lines 53-54), an "end" (column 4, line 29) and a "distal end 72 of housing 22" (column 4, line 38). Manjarrez does not disclose that 72 is a retaining member. In addition, Manjarrez discloses channel 54 as a channel for button 52 in which button 52 is partially external to the needle housing (Figs. 4, 5 and 10). However, Manjarrez does not disclose a


guiding ledge extending inwardly into the interior chamber from the inside surface of the side wall. Amended Claim 1 recites at least one guiding ledge that extends inwardly into the interior chamber from the inside surface of the guide wall to guide the needle hub that is completely internal to the needle housing. Therefore, Applicants submit that independent Claim 1 is not anticipated by Manjarrez.

Regarding Claim 11, it is the position of the Patent Office that Manjarrez discloses "...guiding ledges (edges of 54) defining an axial groove..." However, the area defined within the edges of 54 is actually a slot that is open from the internal cavity of the housing through to the outside of the housing. The axial groove recited in Claim 11 is an internal groove (open only towards the interior chamber) and is not an external slot as disclosed in Manjarrez. Moreover, the axial groove and the guiding ledge(s) are not elements of the same side wall; therefore the axial groove is not defined by the guiding ledge(s) as is the case in Manjarrez. The axial groove of Claim 11 is provided to receive and accommodate the rib on the needle hub in the event that the needle hub is inverted as it enters the needle protector. The purpose of the axial groove is to allow the needle hub to be retracted, even in the inverted position, into the needle protector without interference from the guiding ledges [00033]. In contrast, Manjarrez discloses that channel or longitudinal slot 54 is a means by which the actuating button 52 is able to move forward to make the device in a condition for use (column 3, lines 51-54; column 4, lines 10-12). Manjarrez does not discuss the need for an axial groove to allow the needle hub to be retracted in the inverted position.

Claims 5-10, 12 and 14-27 depend from either independent Claims 1 or 11, and for the reasons set forth above, Applicants submit that dependent Claims 5-10, 12 and 14-27 are likewise not anticipated by Manjarrez.

All of the pending Claims 1 and 5-28 are believed to be in condition for allowance. Reconsideration and allowance of such claims are respectfully requested.

Respectfully submitted,


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